



UNITED STATES SENATE
**REPUBLICAN
POLICY COMMITTEE**

Larry E. Craig, Chairman
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Is the ABA Useful Any Longer? What Does It Know of Litmus Tests?
If Justice Owen Isn't "Qualified," Who Can Be?

Priscilla Owen is one of the finest lawyers in America. Currently, she sits on the Texas Supreme Court, where she has served for eight years. In 2000, she was re-elected to that high court with 84 percent of the vote and the endorsement of every newspaper in the State. She is a member of the prestigious American Law Institute, and she is a leader in her profession and community.

The American Bar Association's Standing Committee on the Federal Judiciary rated Justice Owen "Well Qualified" – and it did so by unanimous vote. This is the highest rating that the ABA can give. Last Thursday, all of the Democrats on the Senate Judiciary Committee voted against Justice Owen, and **the Majority Leader of the U.S. Senate said that the message to the White House was, "Don't send us unqualified people"!**

The ABA committee reviewed Justice Owen's **integrity**, *i.e.*, her character, reputation in the legal community, industriousness, and diligence. By unanimous vote, **it found her well qualified.**

The ABA committee reviewed her **professional competence**, *i.e.*, her intellectual capacity, judgment, writing and analytical ability, knowledge of the law, and professional experience. By unanimous vote, **it found her well qualified.**

The ABA committee reviewed her **judicial temperament**, *i.e.*, her compassion, decisiveness, open-mindedness, courtesy, patience, freedom from bias, and commitment to equal justice under law. By unanimous vote, **it found her well qualified.**

Keep in mind that the ABA's process has been sharply criticized in the past by Republicans and conservatives. Chairman Leahy and Senator Schumer came to the ABA's defense, saying that the ABA's system was the "gold standard by which judicial candidates are judged." (Senator Kyl observed last week that it is now obvious that the Democrats have abandoned the gold standard.)

What is the ABA to do? Where are judicial selection commissions to look? How can governors find candidates for judgeships? **When the Majority Leader of the United States Senate can call a jurist of Priscilla Owen's stature "unqualified," . . . then who is left?**

It really would have been more forthright to acknowledge that Justice Owen was defeated because she didn't turn pink when she was subjected to the litmus test of the liberal left.

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